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**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN THE MATTER OF :
 :
 : **CHAPTER 7**
LUCIA JARAMILLO, : **CASE NO: 09-22869 (RDD)**
DEBTOR :
----- X

**MOTION TO SURRENDER REAL PROPERTY AND TO QUIT-CLAIM PROPERTY
TO THE MORTGAGE SERVICER**

COME NOW the above-named debtor, LUCIA JARAMILLO, by and through her attorney of record, and respectfully move the Court pursuant to 11 U.S.C. §544, Rule 9013 of the Rules of Bankruptcy Procedure, and Rule 9074-1(c) of the Local Bankruptcy Rules for the entry of an order approving this motion to surrender real property and to quit-claim property to the mortgage servicer and in support hereof alleges and says that:

1. This case was commenced by the filing of a petition with the Clerk of this Court on May 26, 2009.
2. The 341(a) meeting of creditors was held in White Plains, New York on July 10, 2009.
3. The Chapter 7 Petition stated the debtor's intention to surrender the property known as 1713 47th Street, North Bergen, NJ 07047.
4. The debtor has determined that due to continued substantial financial hardship, circumstances of unemployment and lack of income, she is not in a financial position to retain this collateral any longer and therefore desires to surrender the same, forthwith, to the secured creditor listed herein and to grant said creditor relief from the automatic stay to foreclose on the property.
5. In support hereof, the debtor has attached hereto as "Exhibit A" and incorporate herein by this reference Schedules I, J and Form 8 "Chapter 7 Debtor's Statement of Intention" from her Bankruptcy Petition as filed with the court.
6. On June 26, 2006 a Motion for Relief from Stay was filed on behalf of BAC Home Loan Servicing, LP FKA Countrywide Home Loans Servicing LP as servicer for The

Bank Of New York Mellon FKA The Bank Of New York As Trustee For The Certificate holders Of CWMB2005-HYB5 (hereinafter the "Mortgage Servicer") for the purpose of proceeding with foreclosure of the subject property and ultimately taking title to said property.

7. That the continued exposure of expense and actual incurred post-petition expenses related to maintaining the property are causing additional hardship to the financial detriment of the debtor and debtor's estate. Specifically, the Debtor has been served with notice of potential fire code violations pertaining to the property and is facing possible imposition of fines pertaining to the same and is summoned to appear before the Hon. J. Nino F. Falcone of the North Bergen Municipal Court. A copy of the notice is attached hereto as "Exhibit B."

8. That as of the date of this motion, the assigned Chapter 7 Trustee has not abandoned his interest in the property;

9. That the property is believed to have negative equity.

10. That the prolonging of the surrender of the property to the secured creditor is causing and will continue to cause additional damages and financial loss to the debtor and debtor's estate.

11. That the secured creditor has expressed clear interest and intention of acquiring title to the subject property and has taken overt measures to accomplish the same as aforesaid.

12. The debtor is therefore moving the court pursuant to Section 544 of Title 11 of the Bankruptcy Code to abandon any interest she may have in the property and transfer the same to the secured creditor named herein and to have such creditor assume any and all risk of loss associated with, related to, or arising out of the said property. The debtor has attached a proposed "Quitclaim Deed" hereto as "Exhibit C" and respectfully moves the court to approve and enforce acceptance of the same. The debtor is simply no longer in a financial position to maintain or insure the property and such obligations would be extremely burdensome to the debtor and the debtor's estate.

13. The debtor is also moving the Court for such other and additional relief as to the court may seem just and proper.

WHEREFORE, the debtor respectfully pray of the Court as follows:

A. That the debtor's subject property be surrendered forthwith as provided for in the debtor's petition and body of this motion;

B. That the debtor be permitted to execute and deliver the attached quit-claim deed to the mortgage servicer;

C. That the mortgage servicer be so required to accept deliverance and record said quitclaim deed for the subject property on the appropriate register of land records; and

D. That the debtor have such other and further relief as to the Court may seem just and proper.

This the 2nd day of September, 2009.

/S/ Linda M. Tirelli
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